
SENATE BILL No. 201

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2; IC 12-14-2.

Synopsis: TANF personal responsibility agreement exemptions. Provides that a victim of domestic violence who is a recipient under the temporary assistance to needy families (TANF) program may be granted a renewable one year exemption from complying with certain portions of the personal responsibility agreement that each TANF recipient is required to sign.

Effective: July 1, 2001.

Simpson

January 9, 2001, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 201

A BILL FOR AN ACT to amend the Indiana Code concerning welfare.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 12-7-2-69.8 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2001]: **Sec. 69.8. "Domestic violence", for purposes of**
- 4 **IC 12-14-2-23.5, has the meaning set forth in IC 12-14-2-23.5(a).**
- 5 SECTION 2. IC 12-7-2-189.8 IS ADDED TO THE INDIANA
- 6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 7 [EFFECTIVE JULY 1, 2001]: **Sec. 189.8. "TANF" refers to the**
- 8 **federal Temporary Assistance to Needy Families program (45 CFR**
- 9 **260 et seq.).**
- 10 SECTION 3. IC 12-14-2-21 IS AMENDED TO READ AS
- 11 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 21. (a) ~~An AFDC~~ **A**
- 12 **TANF** recipient or the parent or essential person of ~~an AFDC~~ **a TANF**
- 13 recipient, if the ~~AFDC~~ **TANF** recipient is less than eighteen (18) years
- 14 of age, must sign a personal responsibility agreement to do the
- 15 following:
- 16 (1) Develop an individual self-sufficiency plan with other family
- 17 members and a caseworker.



(2) Accept any reasonable employment as soon as it becomes available.

(3) Agree to a loss of assistance, including ~~AFDC TANF~~ assistance under this article, Medicaid assistance under IC 12-15 if the sole basis for the person's Medicaid eligibility is based on the person's eligibility for ~~AFDC TANF~~ assistance under this article, and food stamps, if convicted of an offense under IC 35-43-5-7 or IC 35-43-5-7.1 for the following periods:

(A) If the conviction is for a misdemeanor, the person is not eligible to receive assistance as described under this subdivision for one (1) year after the conviction.

(B) If the conviction is for a felony, the person is not eligible to receive assistance as described under this subdivision for ten (10) years after the conviction.

(4) Subject to section 5.3 of this chapter, understand that additional ~~AFDC TANF~~ assistance under this article will not be available for a child born more than ten (10) months after the person qualifies for assistance.

(5) Accept responsibility for ensuring that each child of the person receives all appropriate vaccinations against disease at an appropriate age.

(6) If the person is less than eighteen (18) years of age and is a parent, live with the person's parents, legal guardian, or an adult relative other than a parent or legal guardian in order to receive public assistance.

(7) Subject to IC 12-8-1-12 and sections 5.1 and 22 of this chapter, agree to accept assistance for not more than twenty-four (24) months under:

(A) the ~~AFDC TANF~~ program (IC 12-14); and

(B) the Medicaid program (IC 12-15), if the sole basis for the person's Medicaid eligibility is based on the person's eligibility for ~~AFDC TANF~~ assistance under this article.

(8) Be available for and actively seek and maintain employment.

(9) Participate in any training program required by the division.

(10) Accept responsibility for ensuring that the person and each child of the person attend school until the person and each child of the person graduates from high school or attain a high school equivalency certificate (as defined in IC 12-14-5-2).

(11) Raise the person's children in a safe, secure home.

(12) Agree not to abuse illegal drugs or other substances that would interfere with the person's ability to attain self-sufficiency.

(b) Except as provided in subsection (c), assistance under the ~~AFDC~~

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TANF program and Medicaid assistance under IC 12-15 (if the sole basis for the person's Medicaid eligibility is based on the person's eligibility for ~~AFDC~~ TANF assistance under this article) shall be withheld or denied to a person who does not fulfill the requirements of the personal responsibility agreement under subsection (a).

(c) A person who is granted an exemption under section 23 or 23.5 of this chapter may be excused from specific provisions of the personal responsibility agreement as determined by the director.

SECTION 4. IC 12-14-2-23.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 23.5. (a) As used in this section, "domestic violence" means the occurrence of one (1) or more of the following acts against an individual who is a parent of a dependent child, an essential person, or a dependent child by another family member or current or former household member:**

(1) Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury to, physical harm to, sexual assault on, involuntary sexual intercourse with, or rape of another individual.

(2) Knowingly engaging in a course of conduct or repeatedly committing acts, including stalking (as defined in IC 35-45-10-1) or impermissible contact (as defined in IC 35-45-10-3), under circumstances that place the individual toward whom such acts are directed in reasonable fear of bodily injury or physical harm.

(3) Subjecting another individual to false imprisonment.

(4) Attempting to cause or intentionally, knowingly, or recklessly causing damage to property in order to intimidate or attempt to control the behavior of another individual.

(b) An individual who is the parent of a dependent child, an essential person, or a dependent child may apply, in a manner prescribed by the division, for an exemption from the requirements under this article if the individual can demonstrate that the individual:

(1) has complied with the personal responsibility agreement under section 21 of this chapter, except for the excused portions of the agreement; and

(2) is a victim of domestic violence.

(c) After receiving an application for exemption from a parent, an essential person, or a dependent child under subsection (b), the division shall investigate and determine if the parent, essential person, or dependent child qualifies for an exemption from this

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1 article. The director shall make a final determination regarding:

2 (1) whether to grant an exemption;

3 (2) the length of an exemption, if granted, subject to
4 subsection (e); and

5 (3) the extent of an exemption, if granted.

6 (d) If the director determines that a parent, an essential person,
7 or a dependent child qualifies for an exemption under this section,
8 the parent, essential person, or dependent child is entitled to
9 receive one hundred percent (100%) of the payments that the
10 parent, essential person, or dependent child is entitled to receive
11 under section 5 of this chapter, subject to any ratable reduction.

12 (e) An exemption granted under this section may not exceed one
13 (1) year but may be renewed.

14 (f) The division may adopt rules under IC 4-22-2 to carry out
15 this section.

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